

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1279

**Introduced by Senator Wolk
(Coauthor: Senator Liu)**

February 23, 2012

An act to amend Section 1095 of the Unemployment Insurance Code, and to add Section 10601.3 to the Welfare and Institutions Code, relating to child welfare services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1279, as amended, Wolk. Child welfare services system: information access: outcomes.

Under existing law, the state, through the State Department of Social Services and county welfare departments, is required to establish and support a public system of statewide child welfare services.

Existing law requires the department to establish the California Child and Family Service Review System, in order to review all county child welfare systems, as specified. Under existing law, these reviews cover child protective services, foster care, adoption, family preservation, family support, and independent living.

This bill would declare the intent of the Legislature to authorize the department to obtain access to designated information held by other state agencies as it relates to outcomes for children and youth involved in the child welfare system, for purposes of monitoring those outcomes and improving the operations of the child welfare system. This bill would require the department to consult with state and local agencies, child welfare advocates, and other appropriate entities, to determine the outcomes identified pursuant to the bill. The bill would require the department to provide information to the budget and appropriate policy

committees of both houses of the Legislature, regarding identifying and monitoring the specified outcomes, and related findings and recommendations for needed statutory, regulatory, and fiscal changes.

Existing law provides for the payment of unemployment compensation benefits to eligible unemployed individuals and requires that the Employment Development Department implement the unemployment insurance system in the state. Existing law authorizes the Director of Employment Development to permit the use of information in his or her possession for specified purposes, including to enable various state agencies to administer programs under their respective jurisdictions.

This bill would additionally authorize the director to release specified quarterly wage data to the State Department of Social Services for the purpose of carrying out the department's responsibilities under the bill, to the extent permitted by federal law.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 1095 of the Unemployment Insurance*
- 2 *Code is amended to read:*
- 3 1095. The director shall permit the use of any information in
- 4 his or her possession to the extent necessary for any of the
- 5 following purposes and may require reimbursement for all direct
- 6 costs incurred in providing any and all information specified in
- 7 this section, except information specified in subdivisions (a) to
- 8 (e), inclusive:
- 9 (a) To enable the director or his or her representative to carry
- 10 out his or her responsibilities under this code.
- 11 (b) To properly present a claim for benefits.
- 12 (c) To acquaint a worker or his or her authorized agent with his
- 13 or her existing or prospective right to benefits.
- 14 (d) To furnish an employer or his or her authorized agent with
- 15 information to enable him or her to fully discharge his or her
- 16 obligations or safeguard his or her rights under this division or
- 17 Division 3 (commencing with Section 9000).
- 18 (e) To enable an employer to receive a reduction in contribution
- 19 rate.
- 20 (f) To enable federal, state, or local government departments
- 21 or agencies, subject to federal law, to verify or determine the

1 eligibility or entitlement of an applicant for, or a recipient of, public
2 social services provided pursuant to Division 9 (commencing with
3 Section 10000) of the Welfare and Institutions Code, or Part A of
4 Title IV of the Social Security Act, where the verification or
5 determination is directly connected with, and limited to, the
6 administration of public social services.

7 (g) To enable county administrators of general relief or
8 assistance, or their representatives, to determine entitlement to
9 locally provided general relief or assistance, where the
10 determination is directly connected with, and limited to, the
11 administration of general relief or assistance.

12 (h) To enable state or local governmental departments or
13 agencies to seek criminal, civil, or administrative remedies in
14 connection with the unlawful application for, or receipt of, relief
15 provided under Division 9 (commencing with Section 10000) of
16 the Welfare and Institutions Code or to enable the collection of
17 expenditures for medical assistance services pursuant to Part 5
18 (commencing with Section 17000) of Division 9 of the Welfare
19 and Institutions Code.

20 (i) To provide any law enforcement agency with the name,
21 address, telephone number, birth date, social security number,
22 physical description, and names and addresses of present and past
23 employers, of any victim, suspect, missing person, potential
24 witness, or person for whom a felony arrest warrant has been
25 issued, when a request for this information is made by any
26 investigator or peace officer as defined by Sections 830.1 and
27 830.2 of the Penal Code, or by any federal law enforcement officer
28 to whom the Attorney General has delegated authority to enforce
29 federal search warrants, as defined under Sections 60.2 and 60.3
30 of Title 28 of the Code of Federal Regulations, as amended, and
31 when the requesting officer has been designated by the head of
32 the law enforcement agency and requests this information in the
33 course of and as a part of an investigation into the commission of
34 a crime when there is a reasonable suspicion that the crime is a
35 felony and that the information would lead to relevant evidence.
36 The information provided pursuant to this subdivision shall be
37 provided to the extent permitted by federal law and regulations,
38 and to the extent the information is available and accessible within
39 the constraints and configurations of existing department records.
40 Any person who receives any information under this subdivision

1 shall make a written report of the information to the law
2 enforcement agency that employs him or her, for filing under the
3 normal procedures of that agency.

4 (1) This subdivision shall not be construed to authorize the
5 release to any law enforcement agency of a general list identifying
6 individuals applying for or receiving benefits.

7 (2) The department shall maintain records pursuant to this
8 subdivision only for periods required under regulations or statutes
9 enacted for the administration of its programs.

10 (3) This subdivision shall not be construed as limiting the
11 information provided to law enforcement agencies to that pertaining
12 only to applicants for, or recipients of, benefits.

13 (4) The department shall notify all applicants for benefits that
14 release of confidential information from their records will not be
15 protected should there be a felony arrest warrant issued against
16 the applicant or in the event of an investigation by a law
17 enforcement agency into the commission of a felony.

18 (j) To provide public employee retirement systems in California
19 with information relating to the earnings of any person who has
20 applied for or is receiving a disability income, disability allowance,
21 or disability retirement allowance, from a public employee
22 retirement system. The earnings information shall be released only
23 upon written request from the governing board specifying that the
24 person has applied for or is receiving a disability allowance or
25 disability retirement allowance from its retirement system. The
26 request may be made by the chief executive officer of the system
27 or by an employee of the system so authorized and identified by
28 name and title by the chief executive officer in writing.

29 (k) To enable the Division of Labor Standards Enforcement in
30 the Department of Industrial Relations to seek criminal, civil, or
31 administrative remedies in connection with the failure to pay, or
32 the unlawful payment of, wages pursuant to Chapter 1
33 (commencing with Section 200) of Part 1 of Division 2 of, and
34 Chapter 1 (commencing with Section 1720) of Part 7 of Division
35 2 of, the Labor Code.

36 (l) To enable federal, state, or local governmental departments
37 or agencies to administer child support enforcement programs
38 under Title IV of the Social Security Act (42 U.S.C. Sec. 651 et
39 seq.).

1 (m) To provide federal, state, or local governmental departments
2 or agencies with wage and claim information in its possession that
3 will assist those departments and agencies in the administration
4 of the Victims of Crime Program or in the location of victims of
5 crime who, by state mandate or court order, are entitled to
6 restitution that has been or can be recovered.

7 (n) To provide federal, state, or local governmental departments
8 or agencies with information concerning any individuals who are
9 or have been:

10 (1) Directed by state mandate or court order to pay restitution,
11 fines, penalties, assessments, or fees as a result of a violation of
12 law.

13 (2) Delinquent or in default on guaranteed student loans or who
14 owe repayment of funds received through other financial assistance
15 programs administered by those agencies. The information released
16 by the director for the purposes of this paragraph shall not include
17 unemployment insurance benefit information.

18 (o) To provide an authorized governmental agency with any or
19 all relevant information that relates to any specific workers'
20 compensation insurance fraud investigation. The information shall
21 be provided to the extent permitted by federal law and regulations.
22 For the purposes of this subdivision, "authorized governmental
23 agency" means the district attorney of any county, the office of
24 the Attorney General, the Department of Industrial Relations, and
25 the Department of Insurance. An authorized governmental agency
26 may disclose this information to the State Bar, the Medical Board
27 of California, or any other licensing board or department whose
28 licensee is the subject of a workers' compensation insurance fraud
29 investigation. This subdivision shall not prevent any authorized
30 governmental agency from reporting to any board or department
31 the suspected misconduct of any licensee of that body.

32 (p) To enable the Director of the Bureau for Private
33 Postsecondary and Vocational Education, or his or her
34 representatives, to access unemployment insurance quarterly wage
35 data on a case-by-case basis to verify information on school
36 administrators, school staff, and students provided by those schools
37 who are being investigated for possible violations of Chapter 7
38 (commencing with Section 94700) of Part 59 of the Education
39 Code.

(q) To provide employment tax information to the tax officials of Mexico, if a reciprocal agreement exists. For purposes of this subdivision, “reciprocal agreement” means a formal agreement to exchange information between national taxing officials of Mexico and taxing authorities of the State Board of Equalization, the Franchise Tax Board, and the Employment Development Department. Furthermore, the reciprocal agreement shall be limited to the exchange of information that is essential for tax administration purposes only. Taxing authorities of the State of California shall be granted tax information only on California residents. Taxing authorities of Mexico shall be granted tax information only on Mexican nationals.

(r) To enable city and county planning agencies to develop economic forecasts for planning purposes. The information shall be limited to businesses within the jurisdiction of the city or county whose planning agency is requesting the information, and shall not include information regarding individual employees.

(s) To provide the State Department of Developmental Services with wage and employer information that will assist in the collection of moneys owed by the recipient, parent, or any other legally liable individual for services and supports provided pursuant to Chapter 9 (commencing with Section 4775) of Division 4.5 of, and Chapter 2 (commencing with Section 7200) and Chapter 3 (commencing with Section 7500) of Division 7 of, the Welfare and Institutions Code.

(t) To provide the State Board of Equalization with employment tax information that will assist in the administration of tax programs. The information shall be limited to the exchange of employment tax information essential for tax administration purposes to the extent permitted by federal law and regulations.

(u) Nothing in this section shall be construed to authorize or permit the use of information obtained in the administration of this code by any private collection agency.

(v) The disclosure of the name and address of an individual or business entity that was issued an assessment that included penalties under Section 1128 or 1128.1 shall not be in violation of Section 1094 if the assessment is final. The disclosure may also include any of the following:

(1) The total amount of the assessment.

1 (2) The amount of the penalty imposed under Section 1128 or
2 1128.1 that is included in the assessment.

3 (3) The facts that resulted in the charging of the penalty under
4 Section 1128 or 1128.1.

5 (w) To enable the Contractors' State License Board to verify
6 the employment history of an individual applying for licensure
7 pursuant to Section 7068 of the Business and Professions Code.

8 (x) To provide any peace officer with the Division of
9 Investigation in the Department of Consumer Affairs information
10 pursuant to subdivision (i) when the requesting peace officer has
11 been designated by the Chief of the Division of Investigation and
12 requests this information in the course of and as part of an
13 investigation into the commission of a crime or other unlawful act
14 when there is reasonable suspicion to believe that the crime or act
15 may be connected to the information requested and would lead to
16 relevant information regarding the crime or unlawful act.

17 (y) To enable the Labor Commissioner of the Division of Labor
18 Standards Enforcement in the Department of Industrial Relations
19 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully
20 uninsured employers. The information shall be provided to the
21 extent permitted by federal law and regulations.

22 (z) To enable the Chancellor of the California Community
23 Colleges, in accordance with the requirements of Section 84754.5
24 of the Education Code, to obtain quarterly wage data, commencing
25 January 1, 1993, on students who have attended one or more
26 community colleges, to assess the impact of education on the
27 employment and earnings of students, to conduct the annual
28 evaluation of district-level and individual college performance in
29 achieving priority educational outcomes, and to submit the required
30 reports to the Legislature and the Governor. The information shall
31 be provided to the extent permitted by federal statutes and
32 regulations.

33 (aa) To enable the Public Employees' Retirement System to
34 seek criminal, civil, or administrative remedies in connection with
35 the unlawful application for, or receipt of, benefits provided under
36 Part 3 (commencing with Section 20000) of Division 5 of Title 2
37 of the Government Code.

38 (ab) To enable the State Department of Education, the University
39 of California, the California State University, and the Chancellor
40 of the California Community Colleges, pursuant to the

requirements prescribed by the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly wage data, commencing July 1, 2010, on students who have attended their respective systems to assess the impact of education on the employment and earnings of those students, to conduct the annual analysis of district-level and individual district or postsecondary education system performance in achieving priority educational outcomes, and to submit the required reports to the Legislature and the Governor. The information shall be provided to the extent permitted by federal statutes and regulations.

(ac) To enable the State Department of Social Services to receive quarterly wage data to fulfill the department's duties pursuant to Section 10601.3 of the Welfare and Institutions Code. This information shall be provided to the extent permitted by applicable federal statutes and regulations.

~~SECTION 4.~~

SEC. 2. Section 10601.3 is added to the Welfare and Institutions Code, to read:

10601.3. (a) It is the intent of the Legislature to authorize the State Department of Social Services to ~~obtain access to~~ receive information held by other state agencies as it relates to outcomes for children and youth involved in the child welfare system, for purposes of monitoring those outcomes and improving the operations of the child welfare system.

(b) The department shall identify key outcomes for children in the child welfare system, including, but not limited to, outcomes associated with K-12 education, higher education, criminal justice involvement, employment, ~~and suicide~~ *suicide, and racial, ethnic, and other disparities within those outcomes*, as provided in this section.

(c) Outcome indicators shall reflect outcomes at the point of separation from the child welfare system, as well as outcomes after separation, including at least one point in time at least five years following separation.

(d) The department shall consult with state and local agencies, child welfare advocates, and other appropriate entities, as determined by the Director of Social Services, to determine the outcomes identified pursuant to this section.

1 (e) By January 1, 2015, the department shall provide information
2 to the budget and appropriate policy committees of both houses
3 of the Legislature, regarding all of the following:

4 (1) The department's progress in identifying outcome measures
5 for the child welfare services system, including measures of
6 outcomes for youth who leave the system, as they relate to K-12
7 education, higher education, criminal justice involvement,
8 employment, suicide, and any other relevant outcomes, as identified
9 by the department.

10 (2) The department's progress in monitoring those outcomes,
11 including, but not limited to, the timelines for monitoring and
12 reporting, the process to be used, and any funding or staffing
13 increases necessary at the state or local level to implement the
14 requirements of this section.

15 (3) The department's findings and recommendations for
16 implementing this section, including information on common
17 statutory, regulatory, or fiscal barriers identified as inhibiting the
18 requirements of this section, and recommendations for overcoming
19 those barriers.

20 (f) The requirement for submitting a report imposed pursuant
21 to subdivision (e) is inoperative on January 1, 2019, pursuant to
22 Section 10231.5 of the Government Code.